

ZB# 91-11

Brendan & Susan DeMilt

73-2-16

Prelim:

3/25/91

Need:

① Deed &
title report
② Photos w/ stakes

Call when receives
list from Assessor.

Public Hearing:

May 13, 1991.

Notice to Sentinel
on 4/12/91. (MS)

Collect fee \$25.00

Area Varnance

Granted

5/13/91

#91-11- De Milt, Brendan & Susan - Rear yard (deck)

General Receipt

12015

TOWN OF NEW WINDSOR

555 Union Avenue

New Windsor, N. Y. 12550

May 14 19 91

Received of

Blenda de Mues

\$ 25.00

Twenty-five and — 00

DOLLARS

For

ZBA App. Fee # 91-11

100

DISTRIBUTION:

FUND	CODE	AMOUNT
CR 1951		25.00

By

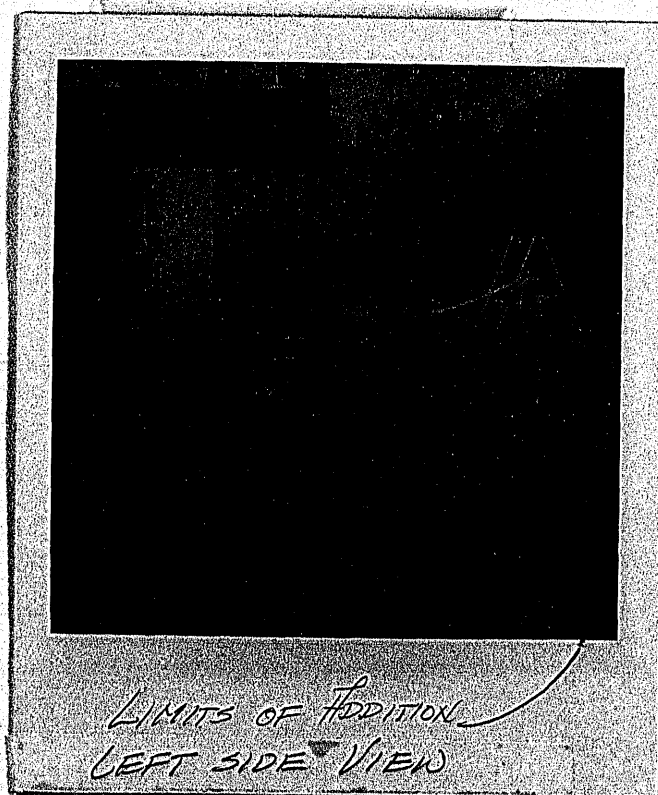
Pauline M. Townsend

es

Town Clerk

Title

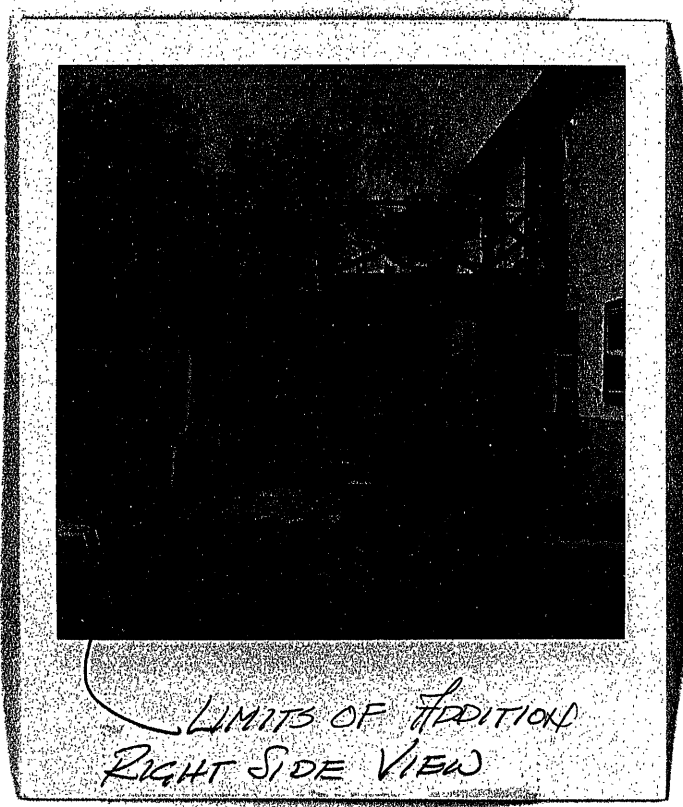
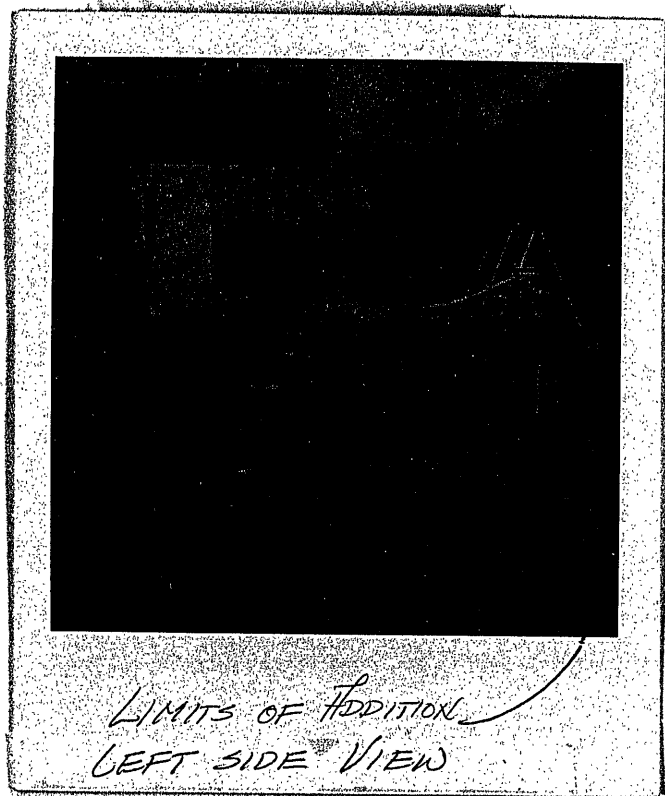
Williamson Law Book Co., Rochester, N. Y. 14609

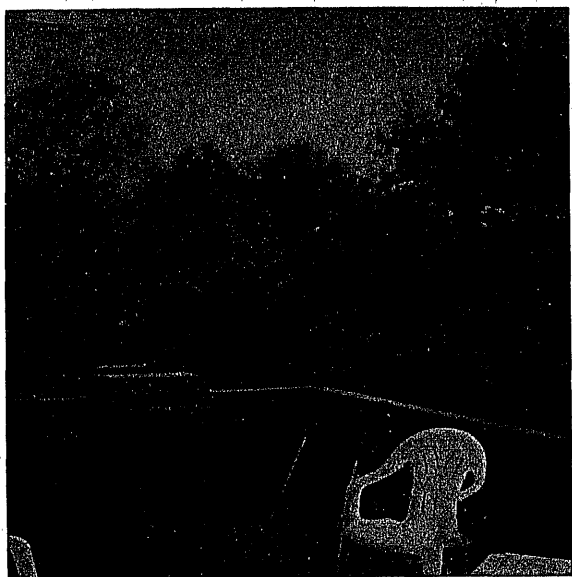


1457	25.00

Williamson Law Book Co., Rochester, N. Y. 14609

Down Clerk *es*
 Title

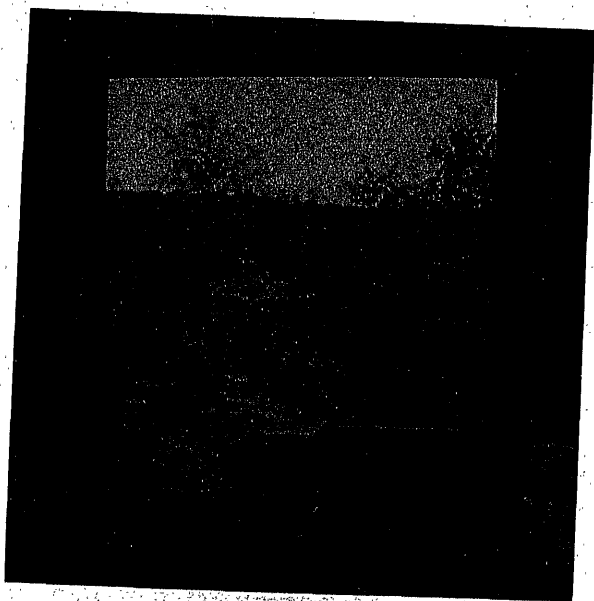




LEFT SIDE VIEW



RIGHT SIDE VIEW



CENTER

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

BRENDAN DE MILT,

DECISION GRANTING
AREA VARIANCE

#91-11.

-----X

WHEREAS, BRENDAN DE MILT, residing at 336 Nina Street, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for an 7 ft. rear yard variance in order to construct an extended family room and a screened-in porch which will replace and enlarge an existing deck, on property located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 13th day of May, 1991 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant, BRENDAN DE MILT, appeared in behalf of himself together with Richard Spisto, designer of The Design Group, and they and spoke in support of the application; and

WHEREAS, there were no spectators present at the public hearing; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations pertaining to rear yard in order to construct an extended family room and a screened-in porch to replace and enlarge the existing deck attached to his residence in an R-4 zone.

3. The evidence presented by applicant substantiated the fact that a variance for less than the allowable rear yard would be required in order to allow construction of the proposed addition, which otherwise would conform to the bulk regulations in the R-4 zone.

4. The evidence presented by the applicant indicated that he is seeking to remove and replace his existing deck because it is too small to be useful. The size of the existing deck does not allow placement of a table and chairs and grill with

sufficient room for children.

5. The applicant is seeking as part of the instant application, to extend the family room at grade level and create a screened porch on top of that family room extension, thus necessitating a 7 ft. rear yard variance.

6. The evidence presented on behalf of the applicant further indicated that he would suffer significant economic injury from the strict application of the bulk regulations to his lot since if he were to construct the extension of the family room and the screened porch above in compliance with the rear yard requirements, the resulting addition would be long and narrow, approximately 8 or 9 ft. by 30 or 32 ft. This would create problems with the ventilation and heat for a number of rooms in the house, and would also result in unusually long lumber sizes.

7. The evidence presented on behalf of the applicant also indicated that he would suffer significant economic injury from the strict application of the bulk regulations to his lot because an addition which complies with the bulk regulations would be expensive to build and would not provide an adequate return on the investment because it would lack utility and be only partly functional, while diminishing the utility of rooms in the existing house.

8. Alternatively, the applicant indicated that his proposed design for the addition would add utility and function to the house, and keep the house light, while having no impact on the neighbors due to its location and substantial number of trees which provide privacy.

9. The evidence presented by applicant substantiated the fact that the addition could not be constructed economically on any other portion of the parcel because of the size of the lot.

10. It is the finding of this Board that the applicant has made a sufficient showing of practical difficulty, entitling him to the requested area variance.

11. The requested variance is not substantial in relation to the bulk regulations for rear yard given the fact that there was an existing deck attached to the residential dwelling when the house was constructed.

12. The requested variance will not result in substantial detriment to adjoining properties nor change the character of the neighborhood.

13. The requested variance will produce no effect on the population density or governmental facilities.

14. There is no other feasible method available to

applicant which can produce the necessary results other than the variance procedure.

15. The interest of justice would be served by allowing the granting of the requested variance.

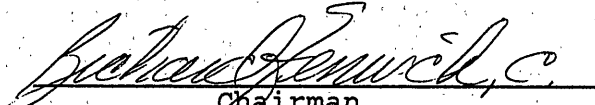
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 7 ft. rear yard variance to allow construction of an extended family room and screened-in porch located to the rear of the residential dwelling in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: June 24, 1991.


Chairman

(ZBA DISK#4-053085.FD)

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

91-11

Date: 4/2/91

I. ✓ Applicant Information:

- (a) Brendan deMilt 336 Nima St New Windsor 561-5843
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation.

✓ III. Property Information:

- (a) R4 336 Nima St 73-2-16 10,000 sq ft
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? July 1983
- (e) Has property been subdivided previously? NO When? _____
- (f) Has property been subject of variance or special permit previously? NO When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: I have an 8' x 12' wooden shed with a sliding door on blocks used for storing lawn mower, gardening tools and lawn furniture

IV. Use Variance: N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

- (b) ^{N/A} The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 40-12, Table of Use/Bulk Regs., Col. G.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	/	/
Reqd. Rear Yd.	40'	33'
Reqd. Street Frontage*		7'
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

Building an addition within the zoning code is not economically feasible as building within code would result in an addition which is too small to be practical at nearly the same cost as the addition that is requested. Because of the lot size there is nowhere else on the property to locate the addition.

VI. Sign Variance: N/A.

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) ^{N/A} Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) ^{N/A} What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: ^{N/A}

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the proposal before the Board:

VIII. [✓] Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

We have employed a designer to ensure the addition blends with the structure of the house. Our yard is fenced and treed. We have also planted 3 trees over the last several years to increase our privacy. When there are leaves on the trees our yard is virtually invisible to our neighbors.

IX. [✓] Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☐ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ ^{N/A} Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 4/2/91

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

x Brandon A. Hill
(Applicant)

Sworn to before me this

2nd day of April, 1991.
Patricia A. Barnhart

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1991

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

PUBLIC HEARING: DE MILT, BRENDAN

MR. FENWICK: This is a request for 7 foot rear yard variance to construct addition at 336 Nina Street in an R-4 zone.

Mr. Brendan DeMilt and Mr. Spista (phonetic) came before the Board representing this proposal.

MR. FENWICK: Explain to us again for the record what you're planning on doing and why you want to do it.

MR. DE MILT: What we want to do is, we have deck that we want to replace. The one that came with the house and we want it; what we want to do is replace the deck and screen it in, make it into a screened porch. What we have now is too small to do it and if it was done, it would seem to be no bigger than a walk-in closet. Underneath, we'd like to extend our family room and that's really it. I have employed Mr. Spista from Design Group. He would do the drawings and all the architectural work for us. And that's really it. Other than that, my wife and I discussed a bigger house and moving and we really like where we are. We figure if we can add on to suit our needs in the house and add on, we wouldn't have to move to a larger place.

MRS. BARNHART: Do you have return receipts for me?

MR. DE MILT: Yes.

MRS. BARNHART: How many were on the list?

MR. DE MILT: Seventy-four (74) on the list.

MR. SPISTA: I think you have requested some photographs of what the yard would look like and I'll just pass these around. We had kind of described Brendan's yard as being quite well treed-in. As you view these, this is pretty much the spring foliage, not fall. You'll see I marked them right, left side.

MR. DE MILT: We put in the stakes before we took the pictures.

MR. LUCIA: Thank you for providing a copy of the deed. Did you happen to come up with a copy of a title policy?

MR. DE MILT: Yes, I did. I called the bank and they sent me one. Can we make a copy of it?

MR. LUCIA: I just need to look at it. Thank you.

MR. SPISTA: The neighbors in the back, they are down below so it's nothing but trees there.

MR. PETRO: If I remembered correctly, you're going to close the bottom then you're going to have on the top, you're putting a roof and also--

MR. DE MILT: Yes, screened porch. The porch will be 90 degrees to the roof to make it nice and roomy.

MR. TORLEY: And you have spoken to your immediate neighbors?

MR. DE MILT: Yes, I told them ahead of time so about the certified letters they'd be getting, what I was planning on doing.

MR. TORLEY: To your knowledge, they had no objection?

MR. DE MILT: No, nobody said anything.

MR. LUCIA: I notice that there is reference to certain recorded covenants, restrictions and easements which aren't spelled out and they refer to notes on the filed map. To your knowledge, do any of these matters effect the title in any way which would prohibit the construction which you're proposing to do regardless of whether the Board grants you a variance?

MR. DE MILT: Not to my knowledge. When you talk about covenants, I looked this over and I'm not sure--

MR. LUCIA: Just so the Board has a little more history on the practical difficulty issue, can you tell us why the application in the zoning ordinance as it is now would cause you significant economic injury? Why is it you just can't replace the deck in a way that would not require a variance or would require a lesser variance?

MR. DE MILT: If it was an open deck, it would be a little small but it would be okay. We wanted to close it in and make it into a screened porch. We figured what it would be like with walls it would be like a large closet, more than a room that was our really main reason for wanting to make it larger.

MR. SPISTA: If they had stuck to the original footprint, it just about complies with the existing zoning, he'd have a very narrow room and to give him, let's say

equal square footage but within the setback, he'd need an addition instead of being approximately 15 by 20 would be approximately about 8 or 9 by 30 or 32 and along with that, he would be infringing upon ventilation and heat for a number of rooms, bedrooms and bathrooms in the existing house plus the lumber sizes would become quite long and it--

MR. DE MILT: And it would look terrible.

MR. LUCIA: Aside from the aesthetics, would the cost of the undersized addition, in other words, one that would comply with the zoning ordinance, be warranted? Would it add less to the house than you would have into it in terms of value?

MR. SPISTA: Say that again, please.

MR. LUCIA: In terms of value you put on an addition which would comply with the zoning ordinance, would you never recover the money you put in? It would add so little to the price of the house as a long narrow addition that it wouldn't be financially--

MR. SPISTA: It would cost an awful lot to build the addition.

MR. TORLEY: It wouldn't be an adequate return on the investment?

MR. DE MILT: No.

MR. LUCIA: Thank you.

MRS. BARNHART: There's 74 on the list, there was 63 return receipts including 11 unclaimed.

MR. DE MILT: People don't like certified mail.

MR. FENWICK: Any other questions? At this time, we'll open it to the public, although we have no one on the roster. Any comments? Okay, the public hearing is now closed. Back to the Board. Do we have a motion to grant the variance, please?

MR. PETRO: I make a motion to grant the variance.

MR. TORLEY: I'll second it.

5-13-91

ROLL CALL:

Mr. Torley	Aye
Mr. Petro	Aye
Mr. Tanner	Aye
Mr. Fenwick	Aye

MR. FENWICK: You have still got some time. There's a formal decision written on this. This is an example of what the formal decision looks like which bring it into law for your piece of property. You cannot get a building permit before that happens.

MRS. BARNHART: I need a \$25 check payable to the town.

MR. DE MILT: Yes, I have it. I read the instructions.

MR. FENWICK: So, that's basically what you're waiting for. I would say that if they were in fact ready for the next meeting, that's something we can possibly act on the next meeting. That would be the soonest so--

MR. BABCOCK: You can get the building plans in. We can start your review meanwhile and as soon as they get a formal decision, we can get the permit out.

MR. DE MILT: So we are all set?

MR. FENWICK: There's no law against digging holes so just keep that in mind.

MR. DE MILT: Okay, thank you.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 3-13-91

APPLICANT: deMilt, Deenan & Son
336 Nina St.
New Windsor, N.Y.

Prelim.

3/25/91 -

91-11

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 3-13-91
FOR (BUILDING PERMIT) 25x16' Wood Deck
LOCATED AT 336 Nina St.

ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 23 BLOCK: 2 LOT: 16

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Inefficient Rear Yard
to Construct deck.

Michael J. Lohr
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE _____ USE _____		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD.		
REQ'D TOTAL SIDE YD.		
REQ'D REAR YD. <u>40'</u>	<u>33'</u>	<u>7'</u>
REQ'D FRONTAGE		

336 NINA ST.
NEW WINDSOR, N.Y.

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 3-13-91
FOR (BUILDING PERMIT) 25x16' Wood Deck
LOCATED AT 336 NINA ST.

ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 23 BLOCK: 2 LOT: 16

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Insufficient Rear Yard
to Construct deck.

Michael J. [Signature]
BUILDING INSPECTOR

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE	USE		
MIN. LOT AREA			
MIN. LOT WIDTH			
REQ'D FRONT YD			
REQ'D SIDE YD.			
REQ'D TOTAL SIDE YD.			
REQ'D REAR YD.	<u>40'</u>	<u>33'</u>	<u>7'</u>
REQ'D FRONTAGE			
MAX. BLDG. HT.			
FLOOR AREA RATIO			
MIN. LIVABLE AREA			
DEV. COVERAGE	%	%	%

APPLICANT IS TO PLEASE ~~CONTACT THE ZONING BOARD SECRETARY AT:~~
~~(914-565-8550)~~ TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, B.P. FILE

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1- WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
- 2- FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
- 3- INSPECT GRAVEL-BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
- 4- WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5- INSULATION.
- 6- PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
- 7- DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
- 8- \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
- 9- PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10- THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11- SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12- SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13- ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.
- 14- ALL BUILDING PERMITS WILL NEED A CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A \$15.00 FEE FOR THIS.

Name of Owner of Premises Brendan deMilt + Susan deMilt
Address 336 N. Main St New Windsor Phone 561-5843
Name of Architect
Address Phone
Name of Contractor
Address Phone
State whether applicant is owner, lessee, agent, architect, engineer or builder.....
If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the side of
(N.S.E. or W.)
and feet from the intersection of
- R-4 - 2. Zone or use district in which premises are situated. Is property in a flood zone? Yes No
3. Tax Map description of property: Section 73 Block 2 Lot 16
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
a. Existing use and occupancy b. Intended use and occupancy
5. Nature of work (check which applicable): New Building Addition X Alteration Repair

- 1- WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
- 2- FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
- 3- INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
- 4- WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5- INSULATION.
- 6- PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
- 7- DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
- 8- \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
- 9- PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10- THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11- SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12- SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13- ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.
- 14- ALL BUILDING PERMITS WILL NEED A CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A \$15.00 FEE FOR THIS.

Name of Owner of Premises Brendan deMilt + Susan deMilt
 Address 336 Nina St New Windsor Phone 561-5843
 Name of Architect
 Address Phone
 Name of Contractor
 Address Phone
 State whether applicant is owner, lessee, agent, architect, engineer or builder
 If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the side of
 (N.S.E. or W.)
 and feet from the intersection of
- R-4 - 2. Zone or use district in which premises are situated. Is property in a flood zone? Yes No
3. Tax Map description of property: Section 73 Block 2 Lot 16
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
 a. Existing use and occupancy b. Intended use and occupancy
5. Nature of work (check which applicable): New Building Addition X Alteration Repair
 Removal Demolition Other 25 X 16 WOOD DECK
6. Size of lot: Front Rear Depth Front Yard Rear Yard Side Yard
 Is this a corner lot? NO
7. Dimensions of entire new construction: Front 25' Rear 25' Depth 16' H'ght Number of stories
8. If dwelling, number of dwelling units Number of dwelling units on each floor
 Number of bedrooms Baths Toilets
 Heating Plant: Gas Oil Electric/H. Air Hot Water
 If Garage, number of cars
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use
10. Estimated cost Fee

(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
 Approved.....19.....
 Disapproved a/c.....
 Permit No.

Office Of Building Inspector
 Michael L. Babcock
 Town Hall, 555 Union Avenue
 New Windsor, New York 12550
 Telephone 565-8807

Refer --
 Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

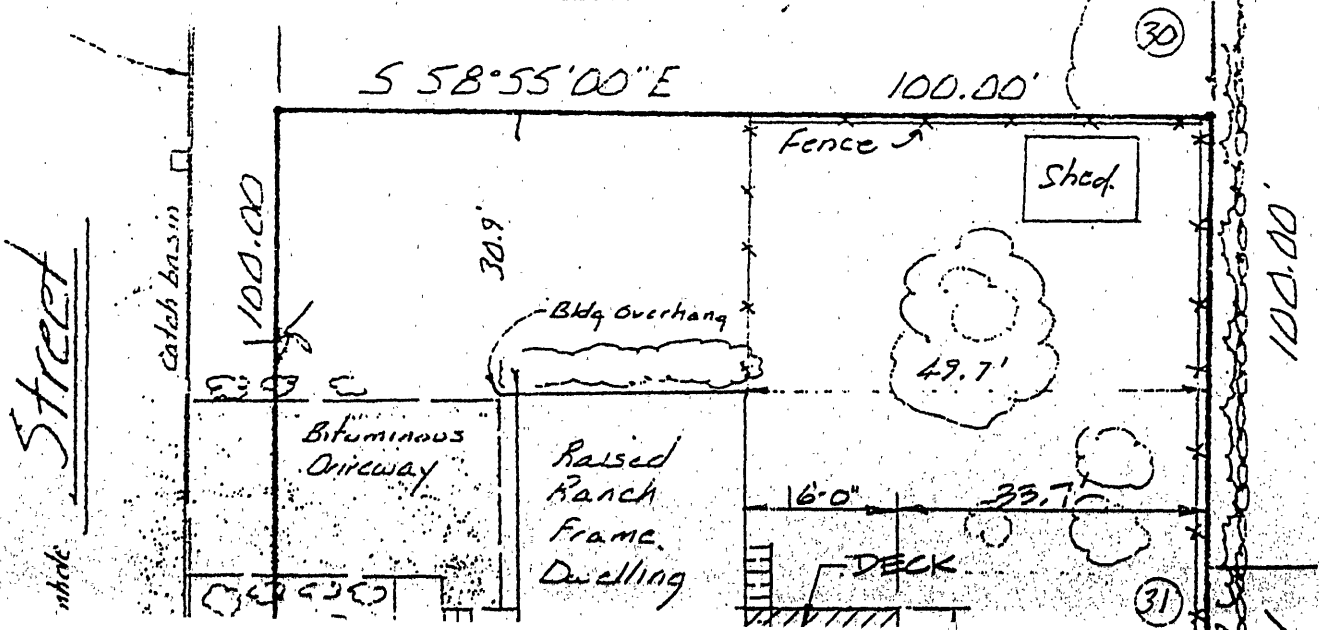
- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Brundson, Al. G. III
 (Signature of Applicant)

336 Nina St N. Windsor
 (Address of Applicant)

PLOT PLAN



INSTRUCTIONS

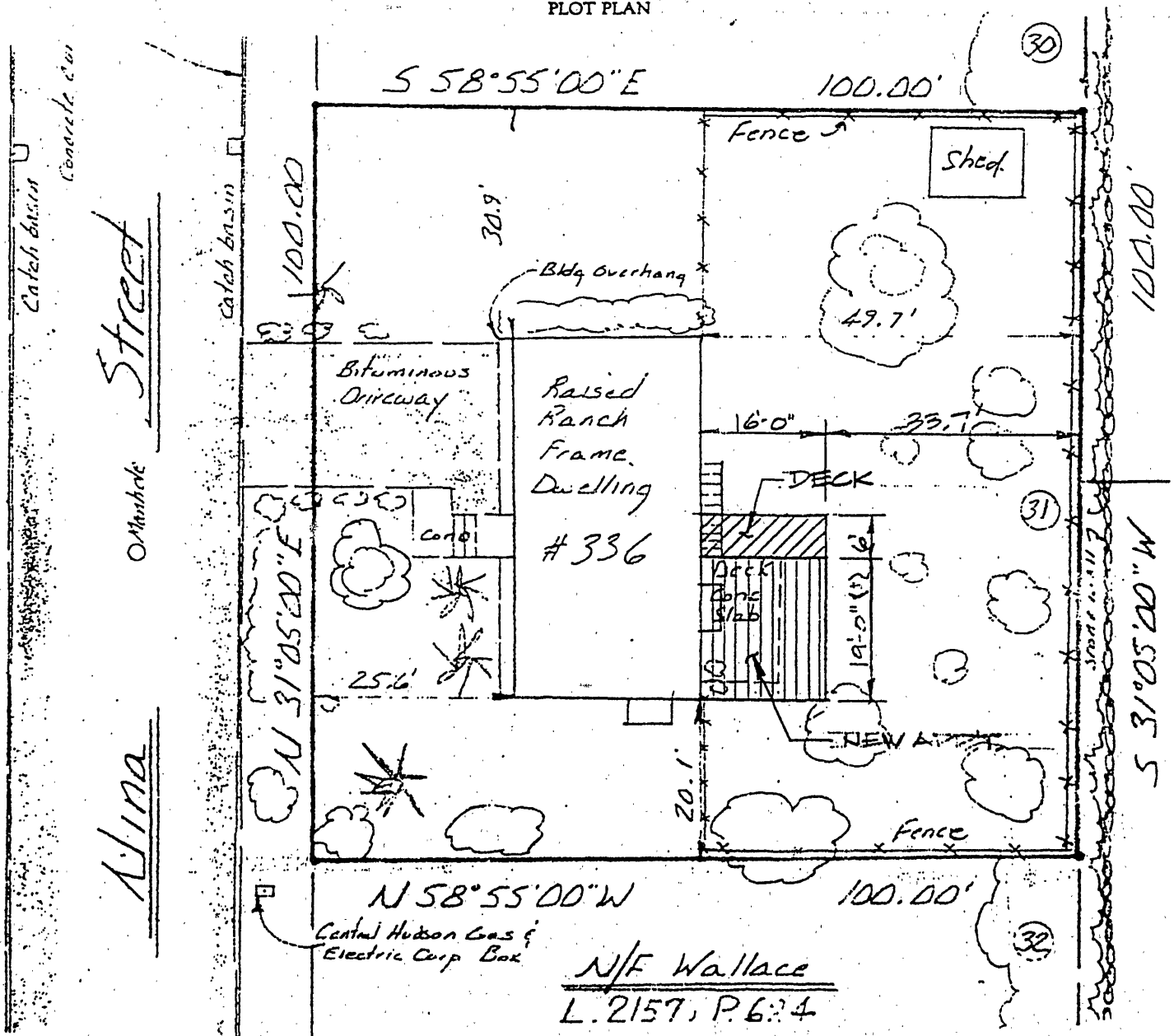
- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used to whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

PLOT PLAN



CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 19 day of April, nineteen hundred and eighty-three
 BETWEEN
 T. J.
 ROBERT FISHER and ROBERT MACKEY, residing at 26 Valley Avenue, Newburgh,
 New York

Robert Fisher
Robert Mackey
 party of the first part, and

F.
 BRENDAN deMILLT and SUSAN D. deMILLT, 18 Lowell Street, North Billerica,
 Massachusetts

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN AND 00/100 (\$10.00) ----- dollars,

lawful money of the United States, and other good and valuable consideration paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
 successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being in the Town of New Windsor, County of Orange, State of New York,
 being shown and designated as Lot #31, Block C, as shown on a certain map
 entitled "Woodwind" (formerly MacNary), Town of New Windsor, Orange County,
 New York dated February 1972, revised April 18, 1972, and filed in Orange
 County Clerk's Office on September 26, 1972 as Map #2869 (2 sheets).

BEING the same premises conveyed to Robert Fisher and Robert Mackey by Paul
 Savad as Executor of Richard Farrell and Roslyn Farrell by deed dated January 21,
 1983 and recorded in the Orange County Clerk's Office on January 24, 1983 in
 Liber 2242 of deeds at page 993.

*The premises are further described according to a recent survey
 as follows:*

ALL that certain lot, piece or parcel of land, situate, lying and being in the Town of New
 Windsor, County of Orange and State of New York, known as Lot 31, Block C on a map

Contract examined and was made prior to 5/11/83.

M. J. MacFarlane

Robert Fisher
Robert Mackey
party of the first part, and

^{F.}
BRENDAN deMILT and SUSAN D. deMILT, 18 Lowell Street, North Billerica,
Massachusetts

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN AND 00/100 (\$10.00) ----- dollars,

lawful money of the United States, and other good and valuable consideration paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being in the Town of New Windsor, County of Orange, State of New York, being shown and designated as Lot #31, Block C, as shown on a certain map entitled "Woodwind" (formerly MacNary), Town of New Windsor, Orange County, New York dated February 1972, revised April 18, 1972, and filed in Orange County Clerk's Office on September 26, 1972 as Map #2869 (2 sheets).

BEING the same premises conveyed to Robert Fisher and Robert Mackey by Paul Savad as Executor of Richard Farrell and Roslyn Farrell by deed dated January 21, 1983 and recorded in the Orange County Clerk's Office on January 24, 1983 in Liber 2242 of deeds at page 993.

The premises are further described according to a recent survey as follows:

ALL that certain lot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, known as Lot 31, Block C on a map entitled "Woodwind" dated February, 1972 and filed in the Office of the Orange County Clerk as Map #2869 and being more particularly bounded and described as follows:

BEGINNING at a point in the easterly line of Nina Street, said point being the northwest corner of the herein described lot; 1) S 58° 50' 00" E, 100.00 feet along lands now or formerly of Samuels, thence; 2) S 31° 05' 00" W, 100.00 feet along lands now or formerly of George and lands now or formerly of Eng, thence; 3) N 58° 55' 00" W, 100.00 feet along lands now or formerly of Wallace, thence; 4) N 31° 05' 00" E, 100.00 feet along the easterly line of Nina Street to the point of beginning.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

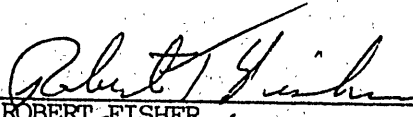
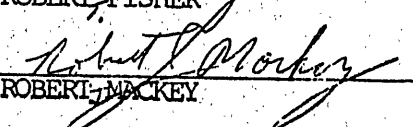
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

WITNESSES

WITNESSES


ROBERT FISHER

ROBERT MACKEY

On the 19th day of April, 1983, before me personally came

ROBERT FISHER and ROBERT MACKEY

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Margo P. Walsh

MARGO P. WALSH
Notary Public, State of New York
Orange County
Commission Expires March 30, 1985

On the _____ day of _____, 19____, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

LIRER 2256 PG 76

STATE OF NEW YORK, COUNTY OF

SS:

On the _____ day of _____, 19____, before me personally came
to me known, who, being by me duly sworn, did depose and say that he resides at No. _____;

that he is the
of _____

_____, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

SS:

On the _____ day of _____, 19____, before me personally came
the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. _____;

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

NW-204

ROBERT FISHER and ROBERT MACKEY

TO

BRENDAN deMILT and SUSAN D. deMILT

KAR-VIN ABSTRACT CORP.

P.O. Box 470

Cornwall, N.Y. 12518

(914) 534-3854

SECTION

BLOCK

LOT

COUNTY OR TOWN

Return
Stephen J. Duggan III
Duggan, Court and Dunn
RD #2, Temple Hill Rd

New Windsor

RETURN BY MAIL TO:

WILLIAM J. LARSEN, III, ESQ.
10 SOUTH PLANT ROAD
NEWBURGH, NEW YORK 12550

Zip No.

..... Clerk



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(74)

63- rec'd.
11 uncl.

April 11, 1991

Brandon F. & Susan D. DeMilt
336 Nina St.
New Windsor, NY 12553

Re: 500 Ft. Variance List for Tax Map Parcel 73-2-16

Dear Mr. & Mrs. DeMilt:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$95.00, minus your deposit of \$25.00.

Please remit the balance of \$70.00 to the Town Clerk, Town of New Windsor, NY.

Sincerely,

Leslie Cook (signature)

LESLIE COOK
Sole Assessor

LC/po
Attachments

cc: ~~Pat Barnhart~~

McCrossen, John C. & Kathryn
348 Nina Street
New Windsor, NY 12553

Macchiarella, Isidoro & Rosaria
346 Nina Street
New Windsor, NY 12553

Form, Ronald W. & Ida
344 Nina Street
New Windsor, NY 12553

Stiller, James & Jeanne
342 Nina Street
New Windsor, NY 12553

Lehman, Gail
340 Nina Street
New Windsor, NY 12553

Kostenblatt, Mary & William
338 Nina Street
New Windsor, NY 12553

Dellafiora, Janet
52 Steele Rd.
New Windsor, NY 12553

Wallace, Marilyn
334 Nina St.
New Windsor, NY 12553

Cohen, Elliott & Vicki
332 Nina St.
New Windsor, NY 12553

Nicolosi, Francis A. & Geraldine
330 Nina St.
New Windsor, NY 12553

Tepper, Samuel B. & Esther
328 Nina Street
New Windsor, NY 12553

Mittelman, Allen P. & Stephanie L.
326 Nina St.
New Windsor, NY 12553

Bernstein, Myron & Phyllis F.
355 Nina St.
New Windsor, NY 12553

Stadler, Edward A. Jr. & Kathy A. Noll
353 Nina St.
New Windsor, NY 12553

Gordon, Robin S. & Linda K.
351 Nina St.
New Windsor, NY 12553

Cabasin, Joseph J. Jr. & Dorothy C.
349 Nina St.
New Windsor, NY 12553

Sweeney, John D. & Suzanne M.
347 Nina St.
New Windsor, NY 12553

Joo, Cornell I. & Youngsin
345 Nina St.
New Windsor, NY 12553

Malaszuk, Peter & Irene
343 Nina St.
New Windsor, NY 12553

Grimm, Joseph J. Jr. & Patricia A.
Box 2866
Newburgh, NY 12550

Cestari, Alfred & Maureen
435 Philo St.
New Windsor, NY 12553

McCann, Thomas J. & Lorraine
433 Philo St.
New Windsor, NY 12553

Adams, Gary R.
431 Philo St.
New Windsor, NY 12553

Guarracino, John J. & Mary C.
429 Philo St.
New Windsor, NY 12553

Scott, Thomas & Jo Ann E.
22-30 79 St.
Jackson Heights, NY 11370

Hersh, Bob & Rosemary
444 Philo St.
New Windsor, NY 12553

Finneran, Thomas & Kathleen
446 Philo St.
New Windsor, NY 12553

Sherman, Bertram P. & Beverly J.
448 Philo St.
New Windsor, NY 12553

Irizarry, Helga
450 Philo St.
New Windsor, NY 12553

Roberts, Dennis & Joan E.
452 Philo St.
New Windsor, NY 12553

Dubiansky, Stephen & Joanne
454 Philo St.
New Windsor, NY 12553

Sousa, Ian J. & Filomena
456 Philo St.
New Windsor, NY 12553

McKeon, Donald S. & Diana
339 Nina St.
New Windsor, NY 12553

Hughey, Janice E.
337 Nina St.
New Windsor, NY 12553

D'Agostino, Robert & Xiomara
335 Nina St.
New Windsor, NY 12553

Enders, Villi P.
333 Nina St.
New Windsor, NY 12553

Breakiron, Richard C. & Anneke-Jans Bogardus
331 Nina St.
New Windsor, NY 12553

Moriarty, Michael P. & Kathleen
329 Nina St.
New Windsor, NY 12553

Canale, John N. & Catherine A.
327 Nina St.
New Windsor, NY 12553

Toromanides, Michael & Eleni
350 Motor Parkway
Haupaug, NY 11788

Lennon, James J. & Helene M.
375 Byron Lane
New Windsor, NY 12553

Filipkowski, Raymond R. & Elizabeth
373 Byron Lane
New Windsor, NY 12553

Berger, Marc David & Barbara
371 Byron Lane
New Windsor, NY 12553

Pandolfi, Peter & Ernestine
369 Byron Lane
New Windsor, NY 12553

Gallivan, Christopher P. & Mary
348 Shelly Rd.
New Windsor, NY 12553

McManus, Barbara
350 Shelly Rd.
New Windsor, NY 12553

D'Esposito, Celeste
352 Shelly Rd.
New Windsor, NY 12553

Pielli, Richard P. & Kim A.
354 Shelly Rd.
New Windsor, NY 12553

Slifstein, Arnold & Diane
94 Keats Dr.
New Windsor, NY 12553

Kelliher, Michael J. & Eileen T.
372 Byron Lane
New Windsor, NY 12553

Diker, Larry & Charlotte
370 Byron Lane
New Windsor, NY 12553

Bello, Stephen J. & Christiane R.
368 Byron Lane
New Windsor, NY 12553

Ritosa, Joseph & Maria
323 Burroughs Lane
New Windsor, NY 12553

Scalia, Joseph M. & Teresa C.
321 Burroughs Lane
New Windsor, NY 12553

Iovino, Robert J. & Judith B.
319 Burroughs Lane
New Windsor, NY 12553

Bell, Joseph F. & Angela J.
82 Keats Drive
New Windsor, NY 12553

Brody, Michael & Kathleen M.
84 Keats Drive
New Windsor, NY 12553

Lauria, Michael R. & Jane
86 Keats Drive
New Windsor, NY 12553

Peffer, Ralph C. & Mary E.
88 Keats Drive
New Windsor, NY 12553

Wolfe, Gerald & Eva-Maria
c/o Serpa Lenna
Sycamore Gardens, Apt. 39
Route 94
New Windsor, NY 12553

Schaefer, Warren L. &
Knox, Marion
95 Keats Drive
New Windsor, NY 12553

D'Esposito, Victor & Rose
93 Keats Drive
New Windsor, NY 12553

Eng, Ben & Irena
91 Keats Drive
New Windsor, NY 12553

Grieco, Stephen & Donna
89 Keats Drive
New Windsor, NY 12553

Ioannidis, Konstantinos & Margarita
87 Keats Drive
New Windsor, NY 12553

Ramos, David & Migdalia
85 Keats Drive
New Windsor, NY 12553

Talbot, Leo C. & Sandra I
83 Keats Drive
New Windsor, NY 12553

Goldenberg, Joseph & Hannah
380 Frost Lane
New Windsor, NY 12553

Cech, Anton & Lucia
Steele Road
New Windsor, NY 12553

MacNary, Lawrence F.
#1 Far Horizons Drive
Newburgh, NY 12550

Schaller, Patricia H. & Kurt
& Schaller, Stephen
54 Steele Road
New Windsor, NY 12553

Laborer's Local 17 Training & Educational Trust Fund
305B Little Britain Road
Newburgh, NY 12550

Steele, Lois
P.O. Box 2181
Newburgh, NY 12550

Union Avenue Developers Inc.
178 Grand St.
Newburgh, NY 12550

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 11

Request of Brendan deMilt

for a VARIANCE ~~SPECIAL PERMIT~~ of

the regulations of the Zoning Local Law to

permit construction of addition w/

insufficient rear yard;

being a VARIANCE ~~SPECIAL PERMIT~~ of

Section 48-12. Table of Use/Bulk Regs. - Col. G.

for property situated as follows:

336 Nina Street, New Windsor, NY.

Known & designated as tax map

Section 73- Blk. 2 - Lot 16.

SAID HEARING will take place on the ____ day of
_____, 19____, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
____ o'clock P. M.

Richard Fenwick
Chairman

PRELIMINARY MEETING: DE MILT, BRENDAN

ZBA #91-11

MR. FENWICK: This is a request for 7 foot rear yard variance to construct deck a 336 Nina Street in an R-4 zone.

Mr. Brendan DeMilt and Richard Spisto came before the Board representing this proposal.

MR. DE MILT: I live on Nina Street and what we'd like to do on the back of our house, we'd like to remove the old existing deck which is, I guess been there since the house was built and underneath it, extend the family room on and on top of that build a screened porch.

MR. SPISTO: I'd like to add the setback is about 6 feet. I'm the designer helping him out a little bit.

MR. FENWICK: So you're going to extend bevond what's there now, is that what you're saying?

MR. DE MILT: Right now the town's regulations are 40 foot setback and we'd like to put one, we're 50 feet and we'd like to put a 16 foot porch rather onto the back of the house so we would have to--

MR. NUGENT: How large is the porch right now? More than 16 foot?

MR. DE MILT: No, we're about 8 by 12 or 14, it's if you put a table out there for four people, you can't turn it so you can sit with it the long wav. It has to be turned sideways and you can't put chairs and a grill and I have little kids and I was really concerned about having enough room. Along the side of it would be an open space so we can have a deck area and a grill on the outside of the porch.

MR. TORLEY: Are you planning to do the work yourself?

MR. DE MILT: No.

MR. SPISTO: The property I was out at the house once before. I realized we had to come here but the property to the rear especially is fully treed and fenced and the adjoining properties at the rear are down quite a hill so it's really no sight from someone else seeing his back yard and to the side especially one side almost completely treed and gives, it's a

very nice secluded spot so whatever happens back here is not going to be to much of an infringement.

MR. PETRO: The side he's going to put the deck on after the addition is built, the side that's fully treed, is that going to be the side?

MR. SPISTO: Yes. If you're looking at the front of the house would be the right side of the property is quite a bit of trees.

MR. DE MILT: On the side of the property that's the only side that's not fully trees, their house is further back. We're lucky for that in the neighborhood when the trees grow in, we can't see into anybody else's yard. It's surprisingly private for how small the area is. I planted a few of them to make sure.

MR. PETRO: You'll still have 34 feet to your rear property line after this construction is done?

MR. SPISTO: 33 feet 9, if you want to get exact.

MR. FINNEGAN: Then there's going to be an addition below it?

MR. DE MILT: Our family room, knock the back wall off the family room out to make it a little bit larger. We have a couple of kids and we'd like to, you know have a good sized family room. The upstairs of the house is really kind of small and we have a fair amount of glass to keep it bright. That's the major concern. The house right now the way it is situated, the sun comes up in the back and sets in the front. It's very bright. I have seen people that have porches and they have to keep their lights on in the kitchen.

MR. TORLEY: Is this going to be an addition underneath the deck?

MR. DE MILT: Yes, correct. Actually for underneath the deck part, under the porch itself, we weren't going to go that far over with the room. The room was going to line up just what you see.

MR. TORLEY: So the actual enclosed structure--

MR. SPISTO: The enclosed structure would be pretty much the size of the deck, I'm sorry, the enclosed porch, not the deck.

MR. TORLEY: The enclosed porch will that encroach on the back yard as well?

MR. BABCOCK: Yes.

MR. SPISTO: The dotted line is the existing deck.

MR. TORLEY: So what we have is really an additional room that is encroaching on the back yard with a deck on top of the room.

MR. BABCOCK: The addition is going to be 16 by 19, okay, and then the upstairs deck will be 16 by 19 and then a 6 foot deck on the side of that.

MR. TORLEY: Rear yard encroachment is the room--

MR. BABCOCK: It's the room, deck and screened porch, my plan some of the numbers are different and I don't understand why but we put down 33 feet. I don't even know where that came from but--

MR. SPISTO: It's 33.9.

MR. BABCOCK: That says 33.7, believe it or not so I'm not sure so--

MR. PETRO: Some of the room that's to be underneath the deck will that be below grade?

MR. DE MILT: No.

MR. PETRO: It's right on grade? If you have sliding glass doors, you can go right out onto the lawn?

MR. DE MILT: Yes, right out to the yard. They'd pour cement to make it continuous, correct?

MR. SPISTO: Correct.

MR. FINNEGAN: This deck will have a roof on it?

MR. DE MILT: Yes, it will. It will be screened porch but it will have a roof and fair amount of glass in it so we don't lose the light. Right now, we would like to use it for breakfast a lot of the summer and, you know, it's too hot out there in the morning and the whole family freaks out over bees late in the summer so my wife, my kids--

MR. FINNEGAN: Electric and heating in there on the porch upstairs?

MR. SPISTO: No insulation, just a screened porch. Downstairs will be insulated naturally.

MR. PETRO: Gable roof, not shed roof?

MR. SPISTO: No, it will be nice looking.

MR. DE MILT: That was one of our concerns. We want it to be bright and open and airy. We have seen enough of the magazines to know what we'd like, even if we can't go build a house on top of the mountain.

MR. SPISTO: He wants to stay in the neighborhood and needs more space and if we do something, we want to do it as nice as possible, aesthetically as nice as possible. I know it doesn't matter but--

MR. DE MILT: We have been here for almost 8 years and the kids are at Temple Hill and we'd like to stay here at least until they are done with high school.

MR. FENWICK: Photographs of the property we'll need so that you can actually physically show us for the Board to see how that, where the addition is going to be.

MR. NUGENT: Wouldn't hurt if you had a couple of stakes in the ground.

MR. FENWICK: If you were to take pictures, put the stakes in the ground, approximately where it is going to come out so we have an idea so we get a better look at it.

MR. LUCIA: In addition to photos, if you'd bring in a copy of the deed and the title policy when you come back.

MR. DE MILT: Title policy?

MR. LUCIA: When you purchased it, your attorney had title insurance policy for it.

MR. DE MILT: Okay, I wasn't sure exactly what you meant.

MR. LUCIA: Also when you come back, assuming you are set up for a public hearing, the issue you need to speak to before the Board is called practical difficulty. That's the finding the Board has to make in order to grant you this variance. That is as you heard me

speak to the previous applicants, is a showing of significant economic injury. Show us why you can't build what you are proposing in conformance with the ordinance or with a lesser variance than you are requesting and you have to do that by some sort of economic showing. Why it's more expensive to locate elsewhere, if it involves different landscaping, taking down trees or whatever. I appreciate the aesthetics argument but that in and of itself is not sufficient to carry the legal issue. So, you really need to show us why it would be uneconomic for you to locate this in some other way that it doesn't require a variance or require a smaller variance.

MR. SPISTO: Could a practical approach to the fact that if we had to make it 10 foot long, it would look like a bowling alley on the back of the house?

MR. LUCIA: If you come in with economics to back it up, if you can show an equivalent square footage situated in a way that's not particularly useable, detracts from the house or does not add to the value, you can't recover your costs, you can do it that way.

MR. TORLEY: If you would tell them why we want, because a lot of people wonder.

MR. LUCIA: The reason for that is you may, certain subdivisions have restrictions on where you can put things and although this Board is not bound by deed restrictions, we'd like to be aware of it so that if we are going to grant a variance that might violate a deed restriction, we put on notes that even though we say you can do it, your neighbors may not agree.

MR. TANNER: I make a motion we set him up for a public hearing.

MR. NUGENT: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Finnegan	Aye
Mr. Petro	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye